

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

- - - - -

VOLUME I OF THE VIDEOTAPED
DEPOSITION OF INDRAJEET CHAUBEY, PhD, produced
as a witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 27th day of
January, 2009, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

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918-587-2878

A P P E A R A N C E S

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3 FOR THE PLAINTIFFS: Mr. Richard Garren
4 Attorney at Law
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6 Tulsa, OK 74119
7 -and-
8 Ms. Kelly Hunter Burch
9 Asst. Attorney General
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13 Mr. Louis Bullock
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19 FOR TYSON FOODS: Mr. Robert George
20 Attorney at Law
21 2210 West Oaklawn Drive
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25 FOR CARGILL: Ms. Leslie Southerland
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FOR PETERSON FARMS: Ms. Nicole Longwell
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FOR GEORGE'S: Ms. K. C. Tucker
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FOR CAL-MAINE:

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1 (Whereupon, the deposition began at
2 8:52 a.m.)

3 COURT REPORTER: We are now on the Record.
4 Would counsel please announce themselves?

5 MR. GEORGE: Robert George for the Tyson 08:52AM
6 defendants.

7 MR. SANDERS: Bob Sanders for the Cal-Maine
8 defendant.

9 MS. TUCKER: K. C. Tucker for the George's
10 defendants. 08:53AM

11 MS. SOUTHERLAND: Leslie Southerland for
12 Cargill.

13 MS. LONGWELL: Nicole Longwell on behalf of
14 Peterson Farms.

15 MR. GARREN: We have Richard Garren for the 08:53AM
16 State of Oklahoma.

17 MR. BULLOCK: And Louis Bullock for the
18 State of Oklahoma.

19 INDRAJEET CHAUBEY, PhD
20 having first been duly sworn to testify the truth,
21 the whole truth and nothing but the truth, testified
22 as follows:

23 DIRECT EXAMINATION

24 BY MR. GARREN:

25 Q Dr. Chaubey, would you please tell the court 08:53AM

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1 wait for you to finish your answer before asking
2 another one so that the court reporter can get that
3 down. With others being on the phone today and
4 making objections, it will be a little more
5 distracting I think so if they do make an objection, 08:54AM
6 wait until it's completed and then we'll go forward
7 with your responses. All right?

8 **A** Okay.

9 **Q** We will take periodic breaks. At any time you
10 feel like you want to take a break and we haven't 08:54AM
11 taken one, let me know and we'll do that. All
12 right?

13 **A** Okay.

14 **Q** Tell the court where you reside.

15 **A** I live in West Lafayette, Indiana. 08:55AM

16 **Q** And you're employed there; correct?

17 **A** I am employed at Purdue University.

18 **Q** Since you agreed to appear and testify, have
19 you been contacted by any of the poultry integrator
20 defendant lawyers in this case? 08:55AM

21 **A** Yes. I got subpoena and a phone call from
22 Robert George and Michael --

23 **Q** Bond?

24 **A** Bond, yes.

25 **Q** All right. When did that call occur; do you 08:55AM

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1 remember?

2 **A** It occurred last week.

3 **Q** All right, and they called you?

4 **A** Yes.

5 **Q** And what did they say when they called you? 08:55AM

6 **A** I guess the conversation was they wanted to
7 know if I was a paid expert on this case and if I
8 was going to take any side and wanted to know what
9 it was going to be about.

10 **Q** And did you respond to their question whether 08:55AM
11 you were a paid expert?

12 **A** Yes, I did respond to that question.

13 **Q** What was your response?

14 **A** I am not a paid expert.

15 **Q** All right. Did they ask you any other 08:56AM
16 questions or make any other statements to you in
17 that conversation?

18 **A** I recall I think one of the questions was if I
19 understood some of the comments I make could
20 potentially determine the liability in this case. 08:56AM

21 **Q** Did those statements to you make you feel
22 uncomfortable in any way?

23 **A** No, it did not.

24 **Q** Okay. Now, you and I have spoken before
25 today; is that correct? 08:56AM

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Dr. Indrajeet Chaubey

Associate Professor

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Associated website(s):

Education

Ph.D., Oklahoma State University (Biosystems Engineering)

M.S., University of Arkansas (Biological & Agricultural Engineering)

B.S., University of Allahabad, India (Agricultural Engineering)

Research Interests

Ecohydrology, solute and sediment transport at various spatial/temporal scales, development and assessment of best management practices to minimize nonpoint source pollution, spatial variability of natural processes that control hydrologic/water quality watershed response, effect of land use on sediment, nutrient and metal transport, interaction of terrestrial and aquatic processes affecting water quality and linking these processes to develop integrated watershed/water quality management technology, mathematical modeling of sediment, nutrients and metals at different spatial scales, and application of geographic information systems and remote sensing in developing decision support system for ecosystem management.

Awards/Honors Appointment/Elections

- Outstanding Engineer Award (2006)
- Faculty Research Award of Merit (2006)
- ASAE Honorable Mention Paper Award
- Best Teacher Award, 2005. Biological Engineering Student Club, University of Arkansas.
- Outstanding Researcher Award (2002- 2003) Department of Biological and Agricultural Engineering. University of Arkansas, Fayetteville.

Professional Experience

- Chair, Arkansas Section of the ASABE. 2004-2005.
- Chair, SW-21 (Hydrology Group). 2005-2006.



- Member, Environmental Task Force, CAFLS and the Division of Agriculture, University of Arkansas. 2002 – 2006. I was selected by the University of Arkansas Division of Agriculture to take a leadership role (with Dr. T.C. Daniel) in developing this computer software to prepare nutrient management plan for animal waste management in the Eucha-Spavinaw watershed.
- Chair, Graduate Committee, Department of Biological and Agricultural Engineering, University of Arkansas. 2005 – 2006. As the Chair of this committee, I had taken a leadership role in developing policy for qualifying examination and candidacy examination for Ph.D. students, and criteria for deficiency courses for students admitted in the program without an engineering degree. In addition, the graduate committee oversaw the graduate curriculum and all graduate admissions in the department.
- Ecological Engineering Committee, Department of Biological and Agricultural Engineering, 2002 – 2006. Chair, 2000-2003.
- Academic Matters and Curriculum Committee, Department of Biological and Agricultural Engineering, 2002 – 2006. Worked with other faculty members to prepare ABET materials. This involved extensive review of course materials, educational outcome assessment, and document preparation. Worked with other faculty members to revise BENG curriculum, including review of credit hours required for degree in BSBE, review of required and elective courses, sequencing of course offerings, and revision of some of the course materials (e.g., BENG 4903: Natural Resources Engineering).

Publications

- **Chaubey, I.** D. Sahoo, B.E. Haggard, M.D. Matlock, and T.A. Costello. 2007. Nutrient retention, limitation, and sediment interactions in a pasture dominated stream. *Transactions of the ASAE. In Print.*
- Migliaccio, K.W. and **I. Chaubey**. 2007. Multi-site and multi-variable calibration and validation of watershed models – discussion. *Journal of Hydrological Processes. In Print.*
- Sudheer, K.P., **I. Chaubey**, V. Garg, and K.W. Migliaccio. 2007. Impact of time scale of calibration objective function on the performance of watershed models. *Journal of Hydrological Processes. In Print.*
- **Chaubey, I.** and M. Matlock. 2007. Teaching undergraduate students to manage aquatic ecosystems at the watershed level: an ecological engineering approach. *International Journal of Engineering Education. In Print.*
- Sen1, S., B.E. Haggard, **I. Chaubey**, K.R. Brye, T.A. Costello, and M.D. Matlock. 2007. Sediment phosphorus release at Beaver Reservoir, northwest Arkansas, 2002-3. *Air, Soil, and Water Pollution* 179:67-77.

- Migliaccio, K.W., **I. Chaubey**, and B.E. Haggard. 2007. Evaluation of landscape and instream modeling to predict watershed nutrient yields. *Environmental Modeling and Software* 22(7): 987-999
- Sudheer, K.P., **I. Chaubey**, and V. Garg. 2006. Lake water quality assessment from Landsat TM data using neural network: An approach to optimal band combination selection. *Journal of the American Water Resources Association* 42(6):1683-1695.
- Yuan, Y., R.L. Bingner, and **I. Chaubey**. 2006. Phosphorus modeling in the Annualized Agricultural Nonpoint Source Pollution (AnnAGNPS) Model. In *Modeling Phosphorus in the Environment*, D.E. Radcliffe, and M.L. Cabrera (ed.). CRC Press, Boca Raton, FL. Pp. 215-240.
- Chaubey, I., K.L. White, C.H. Green, J.G. Arnold, and R. Srinivasan. 2006. Phosphorus Modeling in Soil and Water Assessment Tool Model. In *Modeling Phosphorus in the Environment*, D.E. Radcliffe, and M.L. Cabrera (ed.). CRC Press, Boca Raton, FL. Pp. 163-188
- **Chaubey, I.** and G.M. Ward. 2006. Hydrologic budget analysis of a small natural wetland in southeastern USA. *Journal of Environmental Informatics* 8(1):10-21.
- Shirmohammadi, A., **I. Chaubey**, R.D. Harmel, D.D. Bosch, R. Munoz-Carpena, C. Dharmasri, A. Sexton, M. Arabi, M.L. Wolfe, J. Frankenberger, C. Graff, and T.M. Sohrabi. 2006. Uncertainty in TMDL models. *Transactions of the ASABE* 49(4):1033-1049.
- Ekka, S.A., B.E. Haggard, M.D. Matlock, and **I. Chaubey**. 2006. Dissolved phosphorus concentrations and sediment interactions in effluent dominated Ozark streams. *Ecological Engineering* 26:375-39
- DeLaune, P.B., B.E. Haggard, T.C. Daniel, **I. Chaubey**, and M.J. Cochran. 2006. The Eucha/Spavinaw Phosphorus Index: A court mandated index for litter management. *Journal of Soil and Water Conservation* 61(2):96-105.

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Indrajeet Chaubey

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Unavailability of clean water is one of the grand challenges of modern times. Indrajeet's research integrates field data collection with simulation-based engineering and computational thinking to advance our understanding of fate and transport of water and related constituents across a wide range of spatial and temporal scales. Specifically, he is interested in ecohydrologic processes affecting fate and transport of sediment, nutrients, and pesticides from various land use activities and developing watershed management strategies to improve water quality.

Selected Publications

Chaubey, I. D. Sahoo, B.E. Haggard, M.D. Matlock, and T.A. Costello. 2007. Nutrient retention, limitation, and sediment interactions in a pasture dominated stream. *Transactions of the ASABE*. 50(1): 35-44.

Sudheer, K.P., **I. Chaubey**, V. Garg, and K.W. Migliaccio. 2007. Impact of time scale of calibration objective function on the performance of watershed models. *Journal of Hydrological Processes*. 21(25): 3409-3419

Sen, S., B.E. Haggard, **I. Chaubey**, K.R. Brye, T.A. Costello, and M.D. Matlock. 2007. Sediment phosphorus release at Beaver Reservoir, northwest Arkansas, 2002-3. *Air, Soil, and Water Pollution* 179:67-77

Migliaccio1, K.W., **I. Chaubey**, and B.E. Haggard. 2007. Evaluation of landscape and instream modeling to predict watershed nutrient yields. *Environmental Modeling and Software* 22(7): 987-999.

Sudheer, K.P., **I. Chaubey**, and V. Garg. 2006. Lake water quality assessment from Landsat TM data using neural network: An approach to optimal band combination selection. *Journal of the American Water Resources Association* 42(6):1683-1695.

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